



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during June 2011
DISTRIBUTED: August 5, 2011

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):

Air:

Boralex Livermore Falls LP, Boralex Ashland LP, Livermore Falls and Ashland, Maine. Boralex Livermore Falls LP violated provisions of its Department-issued air emission license exceeding license limits for opacity and carbon monoxide. Boralex Ashland LP violated provisions of its Department-issued air emission license by exceeding license limits for particulate matter, ammonia slip, opacity, carbon monoxide, and nitrogen oxides. To resolve the violations, Boralex Livermore Falls, LP paid \$6,975 as a civil monetary penalty and Boralex Ashland LP paid \$54,200 as a civil monetary penalty. Of the total \$61,175 civil penalty for both facilities, \$17,170 was offset by a Supplemental Environmental Project which will provide funds to Northern Maine Community College to obtain training equipment to give students hands-on experience with biomass boilers. Another \$31,770 was offset by a second Supplemental Environmental Project which will provide funds to Atlantic Salmon for Northern Maine to transport and incubate Atlantic salmon eggs to re-establish anadromous Atlantic salmon populations in the Aroostook River and its tributaries.

Eco Maine d/b/a ecomaine, Portland, Maine. Eco Maine d/b/a ecomaine ("ecomaine") violated provisions of its Department-issued air emission license by exceeding license limits for opacity, carbon monoxide, cadmium, and lead. To resolve the violations, ecomaine will pay \$24,218 as a civil monetary penalty. Of the \$24,218 civil penalty, \$19,374 will be offset by a Supplemental Environmental Project which will provide funds to stimulate recycling of mercury-containing thermostats among ecomaine's member and associate member communities.

Mining:

Ferraiolo Construction, Inc., Liberty, Maine. Ferraiolo Construction, Inc. ("Ferraiolo") violated Maine's *Performance Standards for Excavations* by operating a gravel pit that drains externally without first obtaining a permit from the Department, failing to store and handle petroleum products over an impervious surface, and failing to post a Spill Prevention, Control, and Countermeasures Plan ("SPCC") at the gravel pit site. In addition, Ferraiolo violated Maine's *Oil Discharge Prevention and Pollution Control* law by discharging oil to lands adjacent to, on or over ground and surface waters of the state. Following Department involvement, Ferraiolo removed oil contaminated soils from the site and properly disposed of the soil, restored internal drainage, and submitted an SPCC plan. To resolve the violations, Ferraiolo paid \$3,500 as a civil monetary penalty.

Water:

Portland Water District, Portland, Maine. Portland Water District ("PWD") violated provisions of its Department-issued waste discharge license by exceeding license limits for biochemical oxygen demand, total suspended solids, settleable solids, total residual chlorine, fecal coliform bacteria, and flow of treated secondary wastewater. In addition, PWD failed to conduct required sampling and testing, failed to submit sampling and monitoring results to the Department, failed to provide disinfection to its wastewater due to failure of a back-up



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power system, failed to provide secondary treatment and disinfection at all times required by the license, discharged overflows from Combined Sewer Outfalls, and discharged sludge from a discharge not authorized by the facility's license. Following Department involvement, PWD undertook operational changes and equipment upgrades in an ongoing effort to improve performance of its East End wastewater treatment facility and reduce the number of effluent violations. To resolve the violations, PWD agreed to: submit for Department review and approval an updated wet weather management plan; complete construction and begin operation of rotary sludge dewatering presses; complete installation and place into operation aeration system process gates that will allow operational staff to balance flows among the aeration system components, and submit for Department review and approval a report of a performance evaluation of its East End facility which is to include plans and a schedule for any necessary improvements indicated by the findings of the evaluation and implement the plan. In addition, PWD paid \$22,000 as a civil monetary penalty.

District Court Enforcement Resolutions (party followed by location):

Air:

State of Maine, Department of Environmental Protection v. Minot Street Properties, LLC, Auburn, Maine. Minot Street Properties, LLC ("Minot Street") violated provisions of Maine's *Protection and Improvement of Air* laws by failing to transfer and renew a Department-issued air emission license for the subject facility following Minot Street's acquisition of the facility. In addition, Minot Street violated Maine's *Oil Storage Facilities and Ground Water Protection* law and the Department's *Rules for Underground Oil Storage Facilities* by failing to submit a passing annual compliance inspection for an oil storage tank for two years. To resolve the violations, Minot Street and the Department entered into a Consent Decree and Order in which Minot Street agreed to submit an after-the-fact air emission license application, or, in the alternative, cease to emit air contaminants from its facility and submit to the Department a passing annual inspection report for the oil storage tank, or, in the alternative, abandon the oil storage tank in accordance with the procedures in Department rules. In addition, Minot Street will pay \$5,950 as a civil monetary penalty pursuant to the terms of a payment plan to resolve the air emission violations and will pay \$4,000 as a civil monetary penalty pursuant to the terms of a payment plan to resolve the underground oil storage tank violations.